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14 Group, Inc., Midland Funding, LLC, and  
15 Midland Credit Management, Inc.

16 UNITED STATES DISTRICT COURT

17 EASTERN DISTRICT OF WASHINGTON AT SPOKANE

18 Case No. 2:09-cv-251-EFS

19 EVA LAUBER, DANE SCOTT, SCOTT  
20 BOOLEN, JOEL FINCH, and all others  
21 similarly situated,

(CONSOLIDATED CASE)

22 Plaintiffs,

23 v.

24 ENCORE CAPITAL GROUP INC;  
25 MIDLAND FUNDING, LLC;  
26 MIDLAND CREDIT MANAGEMENT,  
INC.; SUTTELL AND HAMMER, P.S.;  
MARK T. CASE and JANE DOE CASE  
husband and wife, MALISA L.  
GURULE, and JOHN DOE GURULE,  
KAREN HAMMMER and ISAAC

DEFENDANTS ENCORE  
CAPITAL GROUP INC.,  
MIDLAND FUNDING LLC, AND  
MIDLAND CREDIT  
MANAGEMENT, INC. MOTION TO  
DISMISS PLAINTIFFS' STATE LAW  
CLAIMS PURSUANT TO FRCP  
12(b)(6)

1 HAMMER, wife and husband;  
2 WILLIAM SUTTLEL and JANE DOE  
3 SUTTELL husband and wife;

4 Defendants.

5  
6 **I. MOTION**

7 Defendants by undersigned counsel of record, submit this motion to dismiss,  
8 with prejudice, certain claims alleged against them as set forth in the Complaint.  
9 Specifically, Defendants seeks dismissal pursuant to Federal Rule of Civil Procedure  
10 12(b)(6) of Plaintiffs' claim for violation of the Washington Consumer Protection Act  
11 ("WCPA"), RCW 19.86, et seq., for failure to state a claim upon which relief may  
12 granted. This motion is made on the ground that in order for a violation of the WCPA  
13 to be actionable, a Plaintiff must suffer injury to "business or property." Here, the  
14 complaint has failed to assert facts which demonstrate such injury.  
15  
16

17  
18 In support of this motion, Defendant relies upon the statement of facts,  
19 authorities, and argument set forth in the accompanying memorandum.

20 DATED this 22<sup>nd</sup> day of April, 2011.

21  
22 CRUMB & MUNDING, P.S.

23  
24   
25 JOHN D. MUNDING, WSBA #21734  
26 Attorneys for Defendants

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**CERTIFICATE OF SERVICE**

I, Ashley Woods, the undersigned, hereby certify that on April 22, 2011, I electronically filed the foregoing Memorandum with the Court using the Court's CM/ECF system, which will send notification of such filing to the following persons:

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Dated this 22<sup>ND</sup> day of April, 2011.

/s/ Ashley M. Woods  
ASHLEY M. WOODS